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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 DANNY FLORES,

13 Defendant.

Case No: 2:17-mj-00069-NJK

Stipulation to Continue the
Preliminary Hearing
(Seventh Request)

14 IT IS HEREBY STIPULATED AND AGREED, by and between STEVEN W.
15 MYHRE, Acting United States Attorney, and ELHAM ROOHANI, Assistant United
16 States Attorney, counsel for the United States of America, and REBECCA LEVY,
17 counsel for Defendant DANNY FLORES, that the preliminary hearing date in the
18 above-captioned matter, currently scheduled for December 19, 2017, at 4:00 pm, be
19 vacated and continued for sixty (60) days, to a date and time to be set by this
20 Honorable Court.

21 This stipulation is entered into for the following reasons:

- 22 1. Defense counsel needs additional time to review the discovery, investigate
23 possible defenses to the allegations, and discuss the case with the defendant to

1 determine how he wishes to proceed with the case.

2 2. The parties agree to the continuance.

3 3. Defendant FLORES is incarcerated but does not object to the continuance.

4 4. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice.

6 5. The additional time requested herein is not sought for purposes of delay, but to
7 allow for a potential pre-indictment resolution of the case.

8 6. The additional time requested by this stipulation, is allowed, with the
9 defendant's consent under the Federal Rules of Procedure 5.1(d).

10 7. This is the 7th request for a continuation of the preliminary hearing.

11 DATED this 14th day of December, 2017.

12 Respectfully submitted,
13 STEVEN W. MYHRE
14 Acting United States Attorney

15 //s//
16 REBECCA LEVY, ESQ.
17 Counsel for Defendant
18 DANNY FLORES

19 //s//
20 ELHAM ROOHANI
21 Assistant United States Attorney
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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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5 UNITED STATES OF AMERICA,

Case No: 2:17-mj-00069-NJK

6 Plaintiff,

ORDER

7 vs.

8 DANNY FLORES,

9 Defendant.

10 **ORDER**

11
12 Based on the pending Stipulation of counsel, and good cause appearing
13 therefore, the Court finds that:

- 14 1. Defense counsel needs additional time to review the discovery, investigate
15 possible defenses to the allegations, and discuss the case with the defendant to
16 determine how he wishes to proceed with the case.
- 17 2. The parties agree to the continuance.
- 18 3. Defendant FLORES is incarcerated but does not object to the continuance.
- 19 4. Additionally, denial of this request for continuance could result in a miscarriage
20 of justice.
- 21 5. The additional time requested herein is not sought for purposes of delay, but to
22 allow for a potential pre-indictment resolution of the case.
- 23 6. The additional time requested by this stipulation, is allowed, with the
24

1 defendant's consent under the Federal Rules of Procedure 5.1(d).

2 7. This is the 7th request for a continuation of the preliminary hearing.

3 For all of the above-stated reasons, the ends of justice would best be served by a
4 continuance of the preliminary hearing date.

5 **CONCLUSIONS OF LAW**

6 The ends of justice served by granting said continuance outweigh the best
7 interest of the public and the defendants, since the failure to grant said continuance
8 would be likely to result in a miscarriage of justice, would deny the parties herein to
9 potentially resolve the case prior to indictment, and further would deny the parties
10 sufficient time and the opportunity within which to be able to effectively and
11 thoroughly prepare for the preliminary hearing, taking into account the exercise of due
12 diligence.

13 The continuance sought herein is allowed, with the defendants' consent,
14 pursuant to Federal Rules of Procedure 5.1(d).

15 **ORDER**

16 IT IS THEREFORE ORDERED that the preliminary hearing currently
17 scheduled for December 19, 2017, at the hour of 4:00 pm, be vacated and continued to
18 February 26, 2018, at 4:00 p.m., in Courtroom 3C.

19 DATED 18th day of December, 2017.

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21 
22 THE HONORABLE NANCY J. KOPPE
23 UNITED STATES MAGISTRATE JUDGE
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